

**ORDINANCE NO. 2004-44**

**AN ORDINANCE CONFIRMING THE ACQUISITION OF A DEVELOPMENT EASEMENT ON THE PROPERTY COMMONLY KNOWN AS BLOCK 202, LOT 12, AS SHOWN ON THE TOWNSHIP OF HILLSBOROUGH TAX MAP, AND AUTHORIZING THE ASSIGNMENT OF A CORRECTIVE DEED OF EASEMENT TO THE COUNTY OF SOMERSET.**

**WHEREAS**, the Township Committee of the Township of Hillsborough filed an application with the State of New Jersey Agriculture Development Committee (“SADC”) to participate in the State’s Planning Incentive Grant (“PIG”) Program; and

**WHEREAS**, on December 19, 2001, the Township Committee of the Township of Hillsborough, County of Somerset State of New Jersey, adopted Ordinance 2001-47, titled “An Ordinance Authorizing the Acquisition of Development Easement of Block 202, Lot 12, Said Property Being Approximately 26.25 Acres on the Hillsborough Township Tax Map, Such Land Being Conveyed by S. Robert Conard and John T. Warmke”; and

**WHEREAS**, pursuant to Ordinance 2001-47, on March 4, 2002, the Township acquired a development easement on the Property; and

**WHEREAS**, the total price for the acquisition of the development easement was \$685,355.00; and

**WHEREAS**, on the PIG Application, the Property was shown as a property which would be enrolled in the PIG Program; and

**WHEREAS,** it was never the intention of the Township to retain ownership of the interest it acquired in the Property, but rather to preserve the land for farming; and

**WHEREAS,** the PIG Program is funded by both the State of New Jersey (“State”) and County of Somerset (“County”) and

**WHEREAS,** in order for the Township to receive reimbursement from the State and County, the Township’s interest in the Property must be conveyed to the County; and

**WHEREAS,** the Deed of Easement, dated March 4, 2002, that the Township received for the Property does not conform to the requirements of the SADC; and

**WHEREAS,** the Township will acquire a Corrective Deed of Easement for the Property at no additional consideration which conforms to the SADC requirements and assign that Corrective Deed of Easement to the County; and

**WHEREAS,** the Local Lands and Buildings Law, N.J.S.A. 40A: 12-13 (b) (1) and N.J.S.A. 40A:12-13.4, authorize the Township to transfer unneeded municipal land to the County at a private sale provided that the property continues to serve a public purpose, namely, preserved as farmland; and

**WHEREAS,** the Township hereby finds and declares that the Property is unneeded for municipal purposes and the Township acquired an interest in the Property solely to preserve it as farmland.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hillsborough, County of Somerset State of New Jersey, as follows:

1. Through this Ordinance, the Township ratifies and confirms any and all action taken to acquire the Property and any and all action taken prior to the adoption of this Ordinance to assign the Township’s interest in the Property to the County.
2. Through this Ordinance, the Township is specifically authorized to accept a Corrective Deed of Easement at no additional consideration.

3. Through this Ordinance, the Township finds that the Property is unneeded for municipal purposes.
4. Through this Ordinance, the Township Mayor and Clerk are authorized to take any and all action and execute any and all documents necessary to assign the Corrective Deed of Easement to the County of Somerset.
5. Through this Ordinance, the Township Attorney is authorized to deliver the Assignment of the Corrective Deed of Easement to the County of Somerset conditioned upon receiving appropriate reimbursement under the Planning Incentive Grant Program.

This Ordinance shall take effect upon adoption and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH

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Kevin P. Davis, Acting Township Clerk

By: \_\_\_\_\_  
Steven N. Sireci, Jr., Mayor